

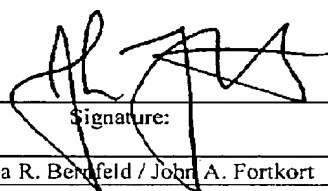
Attorney Docket No.: LYRN004US0

PATENTS
Customer No. 37,141**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mitchell et al.
Serial No.: 10/068,295
Filing Date: 02/05/2002
Examiner: Lechi Truong
Art Unit: 2194
Title: APPLICATION-SPECIFIC INFORMATION-PROCESSING
METHOD, SYSTEM AND APPARATUS

MAIL STOP: AMENDMENTS

Commissioner for Patents
P.O. Box 1450
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BRIEF ON APPEAL

Board of Patent Appeals and Interferences
Commissioner for Patents
Washington, DC 20231

This is an appeal from the Office Action mailed on January 25, 2008 finally rejecting claims 1-22, and the Advisory Action mailed on April 18, 2008 affirming the rejection of those claims, and is further submitted in response to the Notification of Non-Compliant Appeal Brief dated September 8, 2008.

This Brief is being filed in triplicate. The fee required under 37 CFR §1.17(c) for the appeal, and any other fees due with this Brief, should be charged to Deposit Account No. 50-3694.

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REAL PARTY IN INTEREST

The real party in interest is nCipher Corporation Limited acting through its wholly owned subsidiary nCipher, Inc.

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RELATED APPEALS AND INTERFERENCES

There are at present no appeals, interferences or judicial proceedings on any applications related to the present application.

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PATENTS
Customer No. 37,141**STATUS OF CLAIMS**

Claims 1-22 are currently pending and have been finally rejected. A listing of the claims with status identifiers is attached hereto as EXHIBIT A. The rejection of Claims 1-22 is currently being appealed.

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Customer No. 37,141**STATUS OF AMENDMENTS**

All amendments have been entered. The Advisory Action dated August 25, 2008 states that, for the purposes of Appeal, the proposed amendments submitted by Applicants "will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended."

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Customer No. 37,141**SUMMARY OF CLAIMED SUBJECT MATTER**

The presently claimed invention relates generally to information-processing systems and methods, and more particularly to the use of such systems and methods in a network to process information for use by one or more specific applications. For example, the information-processing system or method may encode and decode data to and from a network protocol.

Claim 1 relates to an information-processing method. The method includes receiving a message (Page 8, Lines 13-14; Page 15, lines 21-23), and ascertaining whether the message is in a selected application format (Page 3, line 16; Page 4, lines 19-20; Page 6, lines 3-5; and Page 7, lines 4-5, 10-15 and 26). If the message is not in the selected application format, it is routed to a next location (Page 4, Line 20). If the message is in the selected application format, it is routed to a selected application processor (Page 7, Lines 10-15), processed by the selected application processor, and routed to the next location (Page 4, Lines 20-22).

Claim 7 relates to an information-processing system. The system comprises a fabric (Page 7, line 25) configured for communication with a network (Page 8, Lines 6-12), and a plurality of application services devices (Page 7, lines 10-15). The plurality of application service devices are configured to receive a plurality of unprocessed application-specific messages from the fabric (Page 7, line 25 to Page 8, Line 5), and each unprocessed application-specific message is configured to be processed by a particular application (Page 3, line 23 to Page 4, Line 2; Page 4, lines 21-22; and Page 6, Lines 4-5). The fabric is adapted to route each of the plurality of unprocessed application-specific messages to an application service device adapted to process the message with the particular application (Page 4, lines 21-22 and Page 8, lines 13-18). The plurality of application service devices are also configured to process the unprocessed application-specific messages in parallel (Page 14, lines 7-8), with each unprocessed application-specific message being processed with the particular application for which it is configured (Page 4, lines 1-2; Page 7, lines 4-5 and 10-15), so that a plurality of processed application-specific messages is produced (Page 7, Lines 6-9). The plurality of application service devices are further configured to send the each processed application-specific message to the fabric (Page 8, lines 6-12).

Claim 19 relates to an information-processing method. The method includes the steps of receiving a message (Page 8, Lines 13-14; Page 15, lines 21-23) and ascertaining whether it is susceptible to be processed by a particular application (Page 3, line 16; Page 4, lines 19-20; Page 6, lines 3-5; and Page 7, lines 4-5, 10-15 and 26). If not, it is routed to the next

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location (Page 4, Line 20). If so, it is routed to an application service device that is adapted to use the particular application to process the message (Page 7, Lines 10-15), where it is processed by the application service device using the particular application (Page 8, lines 3-5). After the message is processed, it is routed to a next location (Page 4, Lines 20-22).

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Customer No. 37,141**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claim 1 is rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. 6,097,955 (Bhat).
2. Claims 2-6 and 19-21 are rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. 6,097,955 (Bhat), and further in view of U.S. 6,560,450 (Rosenberg et al.).
3. Claims 7-12, 14 and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,560,450 (Rosenberg et al.) in view of U.S. 6,578,147 (Shanklin et al.).
4. Claims 13 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,560,450 (Rosenberg et al.) in view of U.S. 6,578,147 (Shanklin et al.), and further in view of Troubleshooting (TB).
5. Claim 22 is rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. 6,097,955 (Bhat), and further in view of U.S. 6,820,250 (Muthukumar et al.).

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Customer No. 37,141**ARGUMENT****I. Claim 1 is rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. 6,097,955 (Bhat).**

One of the points at issue in the present appeal is whether an element in a reference may be given an interpretation which is at odds with the express description of that element in the cited reference.

In the office action dated July 13, 2007, the Examiner appeared to argue, in support of his rejection of claim 1 as being anticipated by U.S. 6,097,955 (Bhat), that the element of an "application format" is met in the system of Bhat by the status of a message as a paging message or a regular call control message, and that the radio cluster servers 220-222 are the "application". The Examiner also appeared to construe the data processors of the radio cluster servers as the "application processor".

On pages 7-8 of its response of November 13, 2007, Applicant took issue with the Examiner's assertion that claim 1 is anticipated by Bhat by pointing out that the Examiner's interpretation of the term "application processor" was at odds with the meaning of that term set forth in the reference itself. Thus, Applicant argued that

However, the Examiner is respectfully reminded that he is not free to adopt an interpretation of a prior art reference which is at odds with the express teachings of the reference itself. In the present case, element 302 in the system of Bhat is explicitly labeled as the "application processor", and this element specifically includes as components thereof the radio cluster servers 322-324 and the communication module 320 (see FIG. 3). Hence, the Examiner is not free to designate another element, such as the radio cluster servers 322-324 or elements hereof, as the "application processor" because to do so would be to disregard the explicit teachings of the reference.

With the foregoing understanding, it is clear that Bhat does not anticipate the presently claimed invention because, in the system described therein, the message is routed to the application processor whether or not it is a paging message (that is, whether or not, under the Examiner's interpretation of Bhat, the message is in the "selected application format"). Hence, the recited element of claim 1 is not met by the system of Bhat.

In the subsequent office action of January 25, 2008, the Examiner disagreed (somewhat obliquely) with Applicant's argument, apparently on the grounds that the radio cluster servers may be designated as the "application processor" because they are components of the "application processor. Thus, the Examiner noted that:

Applicant argued in substance that ... "it is not free to designate another element, such as the radio cluster server 322-324 or elements hereof,

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as the application processor". ... As to [this point], Bhat teaches the radio cluster servers 322-324 are software modules within the CPU of the application processors 302 (col 6, 13-15).

In their subsequent response of March 21, 2008, Applicants disagreed with the Examiner. In particular, Applicants noted that it does not follow from the fact that the radio cluster servers may be *components* of the device denoted as the "application processor" in Bhat that the radio cluster servers *are* the "application processor":

In the present office action, the Examiner responds that Bhat teaches the radio cluster servers 322-324 are software modules within the CPU of the application processors 302 (col. 6, 13-15).

However, Applicants respectfully submit that this comment is not responsive to the Applicants' arguments, since the mere fact that the radio cluster servers are software modules within the CPU of the application processors of Bhat does not refute Applicants' arguments, nor has the Examiner deigned to explain himself any further. If the Examiner means to say that the radio clusters may be considered to be the "application processor" because they are elements of the application processor 302 of Bhat, then Applicants respectfully note that the Examiner's argument is logically flawed. By way of analogy, it does not follow from the fact that the Earth is an element of the universe that the Earth is the universe.

The foregoing distinction is not a matter of mere semantics, because the Examiner's whole anticipation argument depends upon it. In particular, if the radio cluster servers are merely components of the application processor, rather than being the application processor itself, then claim 1 cannot be anticipated by Bhat, because claim 1 requires, in essence, that the "next location" to which the message is routed is distinct from the application processor. Thus, Applicants noted that:

Moreover, Applicants respectfully note that the Examiner's comment refutes his own argument. In particular, both the radio cluster servers 322-324 and the communication module 320 are components of the application processor 302. Consequently, the communication module 320 cannot be the "next location" as that term is used in claim 1, because claim 1 requires that the "next location" is distinct from the application processor. In particular, claim 1 specifically requires that:

if the message is in the selected format:
 routing the message to a selected application
 processor;
 processing the message by the selected application
 processor; and
 routing the message to the next location.

Hence, for claim 1 to read on the system of Bhat, the "next location" would have to be the switching network 310. However, in the system of Bhat, the message is routed to the switching network 310 regardless of whether the

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message is a paging message or a regular call control message. Therefore, the Examiner's proposed interpretation of Bhat does not result in the claimed invention as required to support a rejection under 35 U.S.C. § 102(a).

Applicant's foregoing argument is not addressed in the Advisory Action dated April 18, 2008, and from which this appeal is taken. In light of the foregoing, however, it will be appreciated that the Examiner has either misinterpreted the term "application processor" which appears in claim 1, or has failed to explain how Bhat teaches every element of the claimed invention. In either case, the Examiner has failed to establish a prima facie case of obviousness with respect to claim 1.

2. Claims 2-6 and 19-21 are rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. 6,097,955 (Bhat), and further in view of U.S. 6,560,450 (Rosenberg et al.).

a. Claims 2-6 and 19-21

In their response of November 13, 2007, Applicants articulated several reasons (see pp. 8-12) why the Examiner's arguments with respect to his rejection of claims 2-6 and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,097,955 (Bhat) in view of U.S. 6,560,450 (Rosenberg) were incorrect, and why the subject claims were allowable. These reasons, which were supported by a detailed factual analysis (spanning 5 pages) of the references and citations to the relevant portions thereof, included detailed explanations as to why certain claim limitations were not met by the proposed combination of references, why one skilled in the art would have no incentive to modify Bhat in light of Rosenberg in the manner suggested by the Examiner, why the proposed combination of references would not result in the claimed invention, and why the references did not teach or suggest the desirability of the claimed combination of elements. In the subsequent (and final) office action of January 25, 2008, from which the present appeal is made, the Examiner merely repeated verbatim his previous rejections, without responding to Applicant's arguments, pointing out any error in those arguments, or offering any clarification of his previous arguments.

Such a practice is at odds with the Supreme Court's decision in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1395-97 (2007), and with the examination guidelines specifically adopted by the USPTO to account for the *KSR* decision. In particular, on

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October 10, 2007, the United States Patent and Trademark Office published the *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc. (Guidelines)* with the express purpose "to help USPTO examiners make appropriate decisions regarding the obviousness of claimed inventions in light of the Supreme Court's decision in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007) (KSR)". In relevant portion, the *Guidelines* provide that

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn* 41 stated that "[R]jections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."

Applicants note that the mere reiteration of a previous grounds of rejection, made without commenting on a detailed, factual argument submitted by an applicant (which argument explains in detail why that proposed grounds of rejection is in error) is a mere conclusory statement. In particular, such a statement is tantamount, in essence, to an assertion that the Examiner found Applicants arguments to be unconvincing without, however, providing any explanation in support of that conclusion.

Applicant's contention in this regard is clearly supported by MPEP § 707.07(f). This section of the MPEP specifies that

In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.

Where the requirements are traversed, or suspension thereof requested, the examiner should make proper reference thereto in his or her action on the amendment.

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it. [emphasis added]

b. Claim 6:

In the Office Action dated July 13, 2007, the Examiner rejected claim 6 as being unpatentable over U.S. 6,097,955 (Bhat) in view of U.S. 6,560,450 (Rosenberg). In making

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the rejection, the Examiner relied on Rosenberg for the teaching that the message is encrypted, and for the teaching that the step of processing the message by the selected application processor includes decrypting the message by the selected application processor (see Page 3). In support of this contention, the Examiner pointed to Col. 5, lines 54-57 of Rosenberg, which states that:

The packets contain a header which includes a destination address and a sequence field. The payload in the packet contains the encoded user data, which can be from any kind of multimedia service and can include, for example, voice, video or data. The terminals at the edges of the satellite network carry out the coding and decoding of this data.

On pages 10-12 of their subsequent response dated November 13, 2007, Applicant took issue with the Examiner's rejection. In particular, Applicants noted that, under the interpretation of Bhat proffered by the Examiner, the application processor is located in the middle of the network and that, given its location in the middle of the network, one skilled in the art would have no motivation to modify the application processor of Bhat as suggested by the Examiner (and as necessary to arrive at the claimed invention) to cause it to perform decryption of the packet payload as required to arrive at the claimed invention.¹

With respect to claim 6, the Examiner relies on Rosenberg et al. for the teaching that the message is encrypted, and that the step of processing the message by the selected application processor includes decrypting the message by the selected application processor. Here, the Examiner points to Col. 5, lines 54-58 of Rosenberg et al., which says:

The packets contain a header which includes a destination address and a sequence field. The payload in the packet contains the encoded user data, which can be from any kind of multimedia service and can include, for example, voice, video or data. The terminals at the edges of the satellite network carry out the coding and decoding of this data.

However, the Examiner is respectfully reminded that it is insufficient for the purposes of establishing a prima facie case of obviousness to merely find all of the features of a claimed invention in two or more prior art references. Rather, the Examiner must demonstrate that one skilled in the art would have incentive to make the proposed combination of teachings, and that the proposed combination would result in the invention as claimed.

In the present case, Applicants respectfully note that the "application processor" in the system of Bhat, even under the Examiner's proposed interpretation of the term, is not located at the edge of the network. Rather, it is located in the middle of the network and, in particular, is disposed between the interconnection ring 308 and the switching network 310. Rosenberg et al. does not teach or suggest modifying the location of the application processor, nor could the location of the application processor be changed without causing the system of Bhat to no longer work for its intended purpose.

The location of the application processor in the system of Bhat is significant because the section of Rosenberg et al. cited by the Examiner describes decoding the "encoded user data", which is said to reside in the packet payload. However, given its location in the middle of the network, one skilled in the art would have no motivation to modify the application processor of Bhat to cause it to perform decryption of the packet payload.

First of all, such decryption is not necessary to route the packet, since the packet destination information is contained in the packet header, not the payload. Secondly, decrypting the packet payload at this point in the network would compromise the security of the network because the message is not close to its destination and, hence, is subject to interception (in particular, the message must still traverse the switching network 310 and must then be transmitted to the appropriate cell to reach its destination). Thirdly, Rosenberg et al. itself teaches away from decryption in the middle of the network; hence, in the section cited by the Examiner, Rosenberg et al. notes that decryption occurs "at the edges of the satellite network". Fourthly, as shown by Col. 2, Lines 48-50 of U.S. 6,578,147 (Shanklin et al.) (cited by the Examiner elsewhere in the present office action), any legitimate process which might require decryption of the packet payload, such as intrusion detection, would occur at an entry point to the network, not in the middle of the network.

Moreover, the proposed combination of references does not teach the necessity or desirability of decoding the message with the application processor. In particular, Rosenberg et al. teaches a packet structure in which the header information, which contains the destination address, is separate from the message payload. See Col. 5, Lines 54-58. Hence, it is not necessary to decode the packet payload in order to determine the packet destination. Indeed, Rosenberg et al. teaches as much by suggesting, in the cited passage, that the terminals at the edge of the satellite network carry out encoding and decoding of the payload.

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The Examiner failed to address this point in the subsequent office action of January 25, 2008. Accordingly, Applicants repeated their argument verbatim in their response of March 21, 2008.

In the Advisory Action dated April 18, 2008, the Examiner finally acknowledged Applicant's argument, albeit in a cursory manner. Notably, however, the Examiner did not challenge Applicant's factual assertion that the location of the application processor in the middle of the network in Bhat would prevent one skilled in the art from modifying Bhat in light of Rosenberg so as to arrive at the claimed invention. Rather, the Examiner refused to consider this point on the grounds that the location of the application processor was not recited in the claims. Thus, on Page 2 of the Advisory Action, the Examiner stated that:

Applicants respectfully note that the "application processor" in the system of Bhat, even under the Examiner's proposed interpretation of the term, is not located at the edge of the network. Rather, it is located in the middle of the network. ... As to [this point], the "application processor" is located at the edge of the network or located in the middle of the network was not in the claims.

The Examiner committed clear error in making this rejection and in refusing to consider the point made by Applicant, because it is evident from the record that Applicant never stated that the location of the "application processor" was an element of the claimed invention. Rather, Applicant's point was that the location of the "application processor" in Bhat would make the Examiner's proposed modification of Bhat (in light of Rosenberg) undesirable and that, since this proposed modification is necessary to support the Examiner's conclusion of obviousness, the Examiner had failed to establish a prima facie case of obviousness with respect to claim 6.

Applicant's point here is in line with MPEP § 2145(X)(D)(2), which states that:

It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983) (The claimed catalyst which contained both iron and an alkali metal was not suggested by the combination of a reference which taught the interchangeability of antimony and alkali metal with the same beneficial result, combined with a reference expressly excluding antimony from, and adding iron to, a catalyst.).

In the present case, the references effectively teach away from the claimed invention because Bhat teaches a location of the application processor that would prevent one skilled in the art from modifying Bhat in view of Rosenberg in the manner required to arrive at the presently

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claimed invention. Therefore, the references do not support a prima facie case of obviousness.

3. Claims 7-12, 14 and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,560,450 (Rosenberg et al.) in view of U.S. 6,578,147 (Shanklin et al.).

(a) Claim 7:

In order to establish a prima facie case of obviousness based on a proposed combination of references, it is insufficient to merely find each element of the claimed invention within one or more of the cited references. Rather, the Examiner must show how the references, when taken together, would teach or suggest combining and modifying the individual teachings of the references so as to arrive at the claimed invention. The cited references must also teach or suggest the desirability of the proposed modification.

In the present case, the Examiner relies on Rosenberg et al. as the primary reference, and relies on Bector et al. and Shanklin et al. as secondary references. Hence, whenever Rosenberg et al. fails to teach an element of the claimed invention, the Examiner must show how one of the secondary references teaches the missing element, and must also explain how the secondary reference (or the knowledge common to those skilled in the art) teaches or suggests modifying the system of Rosenberg et al. so as to arrive at the claimed invention.

In the present case, the Examiner concedes that neither Rosenberg et al. nor Bector et al. teach processing a message in parallel, but relies upon Shanklin et al. for this teaching. In particular, the Examiner notes in essence that Shanklin et al. teaches that the sensors disclosed therein operate in parallel to determine “if any packet or series of packets has a “signature” that matches one of a collection of known intrusion signatures” [here Applicants are quoting the cited portion of Shanklin, and not the Examiner per se].

However, even if the Examiner’s construction of Shanklin et al. is assumed to be correct, when Shanklin et al. is construed as a whole for what it fairly suggests to one skilled in the art, the reference simply does not teach or suggest the modification of Rosenberg et al. as required to arrive at the claimed invention. To the contrary, it is quite clear that the above noted “parallel processing” which occurs in Shanklin et al. occurs at the entry point to the network. Thus, Col. 2, lines 48-50 of Shanklin et al. state that

Multiple intrusion detection sensors are used at the entry point to the network, specifically, at an “internetworking device” such as a router or switch. These

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devices have in common the function of linking a local network to an external network, such as another local network or to a wide area network using a telecommunications link. [emphasis added]

However, claim 7 clearly requires that “the plurality of application specific service devices are further configured to process the unprocessed application-specific messages in parallel”, and the Examiner has construed the satellite nodes of Rosenberg et al. as being the “plurality of application service devices”. Hence, in order to support a prima facie case of obviousness, Shanklin et al. (or the knowledge common to those skilled in the art) must teach or suggest modifying the system of Rosenberg et al. so that the satellite nodes described therein utilize the parallel processing methodology of Shanklin et al.

However, Shanklin et al. does not contain any such teaching or suggestion. To the contrary, as noted above, Shanklin et al. clearly teaches that the methodology taught therein should be applied to the entry point of a network. Indeed, this point is underscored by the drawings in Shanklin et al., which depict the sensors which implement that methodology as being disposed proximal to the router (see, e.g., FIG. 1), and by the claims, which recite the intrusion detector sensors as being disposed between a router and a local network (see, e.g., claim 1, Lines 4-5).

The satellite nodes in Rosenberg et al. are clearly not entry points to the network disclosed therein, but rather, are intermediate points within that network. Hence, Shanklin et al. clearly does not teach or suggest applying the methodology taught therein to the satellite nodes of Rosenberg et al. Indeed, it would make no sense to apply the methodology of Shanklin et al. to the satellite nodes of Rosenberg et al., since the stated purpose of the methodology of Shanklin et al. is to provide intrusion detection so that unauthorized access to a network may be prevented. By the time a packet reaches a satellite node in the system of Rosenberg et al., the network has already been accessed. Hence, the proposed modification of Rosenberg et al. would be undesirable.

(b) Claims 10 and 11:

With respect to claim 10, the Examiner argues that Shanklin et al. “teaches the plurality of application service devices is included in a single integrated circuit”. Applicants respectfully note that this interpretation is inconsistent with the Examiner’s argument in the rejection of the base claim that the plurality of application service devices are satellite nodes. A similar observation may be made with respect to claims 11.

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Regarding claim 14, the Examiner points to Col. 5, Lines 56-61 of the application as teaching an unprocessed application stream. Apparently, the Examiner is interpreting a packet that has not passed through the intrusion detection sensors as being the “unprocessed application stream” required by claim 14.

However, claim 14 depends from claim 7, which requires that the application service devices process the unprocessed application-specific messages in parallel. As previously noted, the Examiner has interpreted the application service devices as being the satellite nodes (element 11 in Rosenberg et al.). By contrast, the intrusion detection sensors in the portion of Shanklin et al. cited by the Examiner are clearly incorporated into a router. Hence, even if the packets that have not passed through the intrusion detection sensors of Shanklin et al. could be construed as an “unprocessed application stream” as required by claim 14, the Examiner has failed to explain how this teaching would lead one skilled in the art to modify the satellite nodes in Rosenberg et al. so as to arrive at the claimed invention.

(d) Claim 18:

With respect to claim 18, the Examiner contends that Col. 5, Lines 63-64 of Shanklin et al. teaches a TPC offload engine communication. However, Applicants respectfully note that the cited portion of Shanklin does not contain the teachings the Examiner is ascribing to it. Rather, this portion of the reference merely teaches the concept of implementing packet-based load balancing through sensor redundancy.

4. Claims 13 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,560,450 (Rosenberg et al.) in view of U.S. 6,578,147 (Shanklin et al.), and further in view of Troubleshooting (TB).

Claims 13 and 15 are dependent upon claim 7. Therefore, the rejection of these claims is appealed for the reasons advanced above with respect to claim 7.

5. Claim 22 is rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. 6,097,955 (Bhat), and further in view of U.S. 6,820,250 (Muthukumar et al.).

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Claim 22 is dependent upon claim 19. Therefore, the rejection of this claim is appealed for the reasons advanced above with respect to claim 19.

6. Conclusion

With respect to the Examiner's rejection of claim 1 as being anticipated by U.S. 6,097,955 (Bhat), the Examiner has interpreted the term "application processor" in a manner which is inconsistent with the express definition of the term given in Bhat, in contravention with the long established requirement that a reference must be construed as a whole for what it fairly suggests to one skilled in the art. In particular, the Examiner has assigned the term "application processor" to the radio cluster servers of Bhat, even though Bhat clearly shows the radio cluster servers to be merely components of the application processor, rather than the application processor itself. When the radio cluster servers are properly construed in accordance with the teachings of Bhat as being components of the application processor, then it is clear that Bhat does not anticipate claim 1, since the "next location" to which a message is routed is no longer distinct from the application processor as required by claim 1. The Examiner has compounded this error by making the rejection of claim 1 final without responding to Applicant's argument along these lines.

With respect to the Examiner's rejection of claims 2-6 and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,097,955 (Bhat) in view of U.S. 6,560,450 (Rosenberg), the Examiner has failed to respond to Applicant's arguments noting the infirmities of this rejection. Rather, the Examiner has merely repeated the previous grounds of rejection verbatim in the final office action without further explanation. This practice is in contravention of the Supreme Court's decision in *KSR*, as well as the dictates of MPEP § 707.07(f).

With respect to the Examiner's rejection of claim 6 under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,097,955 (Bhat) in view of U.S. 6,560,450 (Rosenberg), Applicant has argued that one skilled in the art would have no incentive to combine the references in the manner suggested by the Examiner, because the location of the application processor in the middle of the network in Bhat would make the proposed combination undesirable. The Examiner has disregarded this argument on the grounds that the location of the application processor is not specified in the claims. However, the Examiner's actions are in contravention of MPEP § 2145(X)(D)(2), because the location of the application processor in

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Bhat goes to the issue of obviousness (that is, the location of the application processor effectively teaches away from modifying Bhat in view of Rosenberg in the manner suggested by the Examiner in his conclusion of obviousness). Since the location of the application processor in Bhat refutes the Examiner's conclusion of obviousness, it is not necessary that this feature be recited in claim 6 in order to overcome an argument of obviousness based on Bhat and Rosenberg. Therefore, the Examiner has applied an incorrect legal standard in rejecting claim 6 as being obvious over these references.

With respect to the Examiner's rejection of claims 7-12, 14 and 16-18 as being unpatentable over U.S. 6,560,450 (Rosenberg et al.) in view of U.S. 6,578,147 (Shanklin et al.), the Examiner has committed clear legal error by failing to show how the references, when taken together, would teach or suggest combining and modifying the individual teachings of the references so as to arrive at the claimed invention, and has committed further legal error by failing to show how the cited references teach or suggest the desirability of the modifications of Rosenberg as proposed by the Examiner.

In light of the above errors, it is thus respectfully requested that the final rejections of the currently pending claims be withdrawn, and that the present application be remanded to the Examiner for further action on the merits in a manner consonant with the rectification of the errors noted herein. Should the Examiner subsequently choose to maintain the anticipation or obviousness rejections noted above, it is further respectfully requested that the Examiner properly account for the issues raised by Applicant herein.

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Applicants submit that the current grounds of rejection are in error and that the pending claims are in condition for allowance. An early indication thereof is respectfully solicited. Please charge any fee deficiency due with this Appeal Brief, or credit any overpayment, to Deposit Account No. 50-3694. Please reference our Docket No. LYRN004US0.

Respectfully submitted,

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APPENDIX A
(Currently Pending Claims)

1. (Previously Presented) An information-processing method including:
 - receiving a message;
 - ascertaining whether the message is in a selected application format;
 - if the message is not in the selected application format:
 - routing the message to a next location; and
 - if the message is in the selected format:
 - routing the message to a selected application processor;
 - processing the message by the selected application processor; and
 - routing the message to the next location.
2. (Previously Presented) The method of Claim 1, wherein receiving the message includes receiving a packet.
3. (Previously Presented) The method of claim 2, wherein receiving the packet includes receiving the packet from a network.
4. (Previously Presented) The method of Claim 3, wherein receiving the packet from a network includes receiving the packet from a packet switched network.
5. (Previously Presented) The method of Claim 4, wherein the network is the Internet.
6. (Previously Presented) The method of Claim 1, wherein

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ascertaining whether the message is in a selected application format includes
ascertaining whether the message is encrypted; and
processing the message by the selected application processor includes decrypting the
message by the selected application processor.

7. (Previously Presented) An information-processing system comprising:

a fabric configured for communication with a network;

a plurality of application services devices;

wherein the plurality of application service devices are configured to receive a
plurality of unprocessed application-specific messages from the fabric;

wherein each unprocessed application-specific message is configured to be processed
by a particular application; wherein the fabric is adapted to route each of the plurality of
unprocessed application-specific messages to an application service device adapted to process
the message with the particular application;

wherein the plurality of application service devices are further configured to process
the unprocessed application-specific messages in parallel, wherein each unprocessed
application-specific message is processed with the particular application for which it is
configured, whereby a plurality of processed application-specific messages is produced; and

wherein the plurality of application service devices are further configured to send the
each processed application-specific message to the fabric.

8. (Previously Presented) The information-processing system of Claim 7, wherein each
message comprises a packet.

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9. (Previously Presented) The information-processing system of Claim 8, wherein each application service device comprises a hardware state machine.

10. (Previously Presented) The information-processing system of Claim 9, wherein the plurality of application service devices are included in a single integrated circuit.

11. (Previously Presented) The information-processing system of Claim 7, wherein each application service device comprises a simple programmable processor.

12. (Previously Presented) The information-processing system of Claim 7, wherein at least one of the plurality of application service devices comprises a plurality of interoperably configured distinct physical devices.

13. (Previously Presented) The information-processing system of Claim 7, wherein at least one of the plurality of application service devices comprises an SSL/TLS processor.

14. (Previously Presented) The information-processing system of Claim 7, wherein the plurality of unprocessed application-specific messages comprises an unprocessed application stream, and wherein the plurality of processed application-specific messages comprises a processed application stream.

15. (Previously Presented) The information-processing system of Claim 14, wherein the application streams comprise an SSL/TLS connection between a web browser and a web server.

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16. (Previously Presented) The information-processing system of Claim 14, wherein the application streams comprise an e-mail transfer.

17. (Previously Presented) The information-processing system of Claim 14, wherein the application streams comprise a virtual private networking communication.

18. (Previously Presented) The information-processing system of Claim 14, wherein the application streams comprise a TCP offload engine communication.

19. (Previously Presented) An information-processing method, including:

- receiving a message;

- after receiving the message: ascertaining whether the message is susceptible to be processed by a particular application;

- if the message is susceptible to be processed by the particular application:

- routing the message to an application service device that is adapted to use the particular application to process the message;

- after routing the message to the application service device: processing the message by the application service device using the particular application;

- after processing the message: routing the message to a next location; and if the message is not an application-specific message: routing the message to the next location.

20. (Previously Presented) The information-processing method of Claim 19, wherein the particular application comprises a decryption application, and wherein a message susceptible to be processed by the particular application comprises an encrypted message.

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21. (Previously Presented) The information-processing method of Claim 20, wherein the message is a packet.

22. (Previously Presented) An information-processing method, including:

a first iteration of the method of Claim 19;

a second iteration of the method of Claim 19;

wherein the receiving a message of the second iteration corresponds to the routing of the message to the next location of the first iteration, whereby the message is processed in a pipeline fashion.

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APPENDIX B - EVIDENCE

None.

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APPENDIX C – RELATED PROCEEDINGS

None.